

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Kevin Matthew Butler,

)

Civil Action No.: 0:14-cv-3854-RBH

)

Plaintiff,

)

)

v.

)

ORDER

)

Greenville County; Vandermosen,

)

Jail Administrator,

)

)

Defendants.

)

)

Plaintiff Kevin Matthew Butler, a state prisoner proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983 against the above named Defendants on October 2, 2014. *See* Compl., ECF No. 1. The matter is before the Court for review of the Report and Recommendation of United States Magistrate Judge Paige J. Gossett, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.¹ *See* R & R, ECF No. 9. In the Report and Recommendation, the Magistrate Judge recommends the Court summarily dismiss the Complaint without prejudice and without service of process. *See id.* at 6.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the

¹ The Magistrate Judge’s review of Plaintiff’s complaint was conducted pursuant to the screening provisions of 28 U.S.C. §§ 1915(e)(2) and 1915A. The Court is mindful of its duty to liberally construe the pleadings of pro se litigants. *See Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978); *but see Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir. 1985).

recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

No party has filed objections to the Report and Recommendation.² In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendations. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. **IT IS THEREFORE ORDERED** that the Complaint is **DISMISSED** *without prejudice* and without service of process. The Clerk of Court is directed to mail this Order to both of Plaintiff’s potential addresses: (1) Kevin Matthew Butler, 207 Azalea Ct., Greenville, SC 29607

² The Magistrate Judge’s Order directing Clerk not to authorize service and advising Plaintiff to notify the Clerk in writing of any change of address, *see* ECF No. 8, and Report and Recommendation, *see* ECF No. 9, were mailed to the address identified by Plaintiff in his Complaint as his mailing address/place of confinement. *See* ECF No. 1 at 1; Envelope, ECF No. 13. However, on November 14, 2014, the documents were returned to sender by the United States Postal Service. *See id.* A review of Plaintiff’s complaint indicated that it was mailed from the Greenville County Detention Center. *See* ECF No. 1-1. Accordingly, the Court directed the Clerk of Court to mail a copy of the Magistrate Judge’s Order, ECF No. 8, and Report and Recommendation, ECF No. 9, to: Kevin Matthew Butler, Greenville County Detention Center, 20 McGee Street, Greenville, SC 29601. The Court also ordered Plaintiff to inform the Court in writing of his current mailing address as soon as possible. Finally, the Court gave Plaintiff an extension of time to file objections to the R & R. As of the date of this order, the Court has received no further filings or communication from Plaintiff.

and (2) Kevin Matthew Butler, Greenville County Detention Center, 20 McGee Street, Greenville, SC 29601.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
December 19, 2014